

THE STATE OF SOUTH CAROLINA )	Court of Common Pleas
County of McCormick )	Case NO.
Kenneth Rivera, #318979 )	SUMMONS
Plaintiff,	
v.	
South Carolina Department of )	
Corrections,	
Defendants. )	

RICHLAND COUNTY  
 FILED  
 2018 JUL 23 AM 10:40  
 JEANNETTE W. MCARDLE  
 C.C.P. & G.S.

TO: Above Named Defendants

You are hereby summoned and required to serve upon the Plaintiff, whose address is 4460 Broad River Road, Columbia South Carolina 29210. An answer to the Verified Complaint which is here served upon you, within (30) thirty days after service of this summons upon you. Exclusive of the day of service if you fail to do so, Judgment by Default will be taken against you for relief demanded in this complaint.

July 16, 2018

Kenneth Rivera  
 Kenneth Rivera #318979  
 MD #187  
 4460 Broad River Road  
 Columbia, SC 29210

THE STATE OF SOUTH CAROLINA	) Court Of Common Pleas
County OF McCormick	) Case No.
Kenneth Rivera, #318979	)
Plaintiff	) VERIFIED COMPLAINT
V.	)
South Carolina Department of	)
Corrections,	)
Defendants.	)

RICHLAND COUNTY  
 FILED  
 2018 JUL 23 AM 10:48  
 JEANETTE W. MCBRIDE  
 C.C.P. & G.S.

Comes now the above named Plaintiff who brings this Verified Complaint against the above named Defendants in this case and would show and prove unto the Court the following:

## I. PARTIES AND JURISDICTION

1. The Plaintiff Kenneth Rivera is a State Prisoner Via 42 U.S.C. § 12102 who is incarcerated within the State Dept. OF Corrections and is housed at Broad River Correctional Institution Located in Columbia, SC 29210.
2. The Defendant(s) is a Government entity.
3. This Court has Jurisdiction over the matter in accordance with the S.C. Code OF Law §§ 15-78-10 Et. SEQ. (2005 & Supplemental 2007), §§ 15-78-60 (25) and §§ 15-78-70 (b).

## II. STATEMENT OF FACTS

4. On October 3, 2015 I submitted a Request to Staff member ("RTSM") to the business office Ms. Scarbrough, who is not a defendant in this action. I requested for a Printout of my financial record.
5. On October 15, 2015 Plaintiff submitted another RTSM to Ms. Scarbrough without an adequate response.
6. On December 3, 2015 once transferred to McCormick Correctional Institution I submitted a RTSM to the Institutional Classification Committee ("ICC") requesting for Canteen Privileges in which I have. February 11, 2016 my canteen Privileges was restored.
7. Plaintiff owe the state over \$10,000 for the following reasons:
  - A. Court Cost
  - B. Court Filing Fees
  - C. Medical Co-Payment
  - D. Restitution
8. Per SDC Policy 15.01 defendants are allowed to deduct a Percentage of a Prisoner account if owed money. This Percentage is 20% for each restitution, defendants only leave Plaintiff with \$6.43 on his account everytime he receives money.
9. On June 13, 2017 and September 14, 2017 Plaintiff filed Grievances challenging the violation.

### III. EXHAUSTION OF LEGAL REMEDIES

10. Plaintiff Kenneth Rivera used the Prison Grievance Procedure available at McCormick CI. to try and solve the Problem. On June 13, 2017 Plaintiff Filed a Grievance and that Grievance was denied on July 3, 2017.

#### IV. LEGAL CLAIMS

11. Plaintiff recite and incorporate by reference Paragraphs 1-10.

12. The defendants Bryan Stirling, Micheal Stephan, Deborah Long, and Eve Link violated Plaintiff Kenneth Rivera rights and constitution by violating his Due Process rights of the Fourteenth Amendment to the United States Constitution.

#### V. PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully Prays that this Court enter Judgment Granting Plaintiff:

13. A declaration that the acts and Omissions described herein violated Plaintiffs rights under the constitution and laws of the United States.
14. A Preliminary and Permanent injunction ordering defendants to create a 50%-50% of deduction of his account.
15. Compensatory damages in the amount of \$20,000 against each defendant, Jointly and severally.
16. Punitive damages in the amount of \$20,000 against each defendant.
17. A Jury trial on all issues triable by Jury.

18. Plaintiff cost in this suit.

19. Any additional relief this Court deems Just, Proper, and equitable.

July 16, 2018

Kenneth Rivera  
Kenneth Rivera #318979  
MO #187  
4460 Broad River Road  
Columbia, SC 29210

## CERTIFICATE OF SERVICE

I certify that on the date of July 16, 2018 a copy of Plaintiff Verified Complaint, summons was placed in the U.S. Postal Mailbox. I seek a certified receipt back validating proof of service.

Kenneth Rivera  
Kenneth Rivera #318979  
MD#187  
4460 Broad River Rd  
Columbia, SC 29210

## SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

## INMATE GRIEVANCE FORM

## STEP 1

INMATE NAME: Kenneth Rivera Grievance No. MCCI 0204-17  
 SCDC NUMBER: 318979 Code: General ✓  
 INSTITUTION: McCormick Policy ✓ ADM-15.01  
 HOUSING UNIT: F3 A 102 Disc. Hear. \_\_\_\_\_  
 WORK ASSIGNMENT: Kitchen Class. \_\_\_\_\_  
 PREA \_\_\_\_\_  
 Date Received 6-15-17  
 IGC Initials KHH

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

I, Kenneth Rivera #318979 is the Grievant of this Grievance. On June 13, 2017 I did to resubmit this Grievance. Per the SC Code of Law § 24-~~27~~<sup>37</sup>-100, only 10% of each restitution an inmate owes SCDC should only be deducted from the money he receives. Per SCDC Policy ADM-15.01, repayment of costs § 7.1 and 7.3 \$6.43 is to be left on an inmate account. That is violation of SC code of Law 24-~~27~~<sup>37</sup>-110, when it states 10% only is to be deducted. SCDC adopted Policy ADM-15.01 from this title and section but yet don't abide by it. My family have to send \$ 700 weekly out of fear that if they send more all would be taken. SCDC is in violation of their own procedure.

Note: this is a refile of Grievance No  
 MCCI 0198-17

ACTION REQUESTED: I request that SCDC follow Title 24 § 24-~~27~~<sup>37</sup>-100 and/or start ~~a~~ a 50/50 restitution fee.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

see 17-578344

Kenneth Rivera 6-13-17

Grievant Signature

Date

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM  
STEP 2

INMATE NAME: Kenneth RiveraSCDC NUMBER: 318979INSTITUTION: McCormick ✓HOUSING UNIT: F3A162WORK ASSIGNMENT: Kitchen

**RECEIVED**

JUL 11 2017

INMATE GRIEVANCE

Office Use Only

Grievance No. 1602-2017-7

Code: General

Policy ADM-15.01

Disc. Hear.

Class.

Date Received 7-6-17IGC Initials KHH

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

MY Grievance is about "why SCDC deduct everything with the exception of \$6.43?" OK I am for debiting my account for legal supplies, Medical co-payment and also court cost. When the statute states 10% for medical and each additional restitution. I suggest SCDC start a 50-50 in regards to restitution.

Kenneth Rivera 7/3/17  
Grievant Signature Date

## RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your grievance. In your grievance you state that per the SC Code of Law 24-27-100, only 10% of each restitution an inmate owes SCDC should only be deducted from the money he/she receives. You state per SCDC Policy ADM-15.01, Repayment of Costs, 7.1 and 7.3, the amount of \$6.43 is to be left on an inmate's EH Cooper Account. You allege that is in violation of SC Code of Law 24-27-100, when it indicates that only 10% is to be deducted. The indigent level of \$6.43 was established in order for inmates to purchase basic necessities from the canteen for themselves to maintain their hygiene when they owe restitution in order to comply with Agency Policy OP-22.13, "Inmate Grooming Standards." The indigent level of \$6.43 has been determined to be sufficient for this purpose and will not be changed at this time. The Warden responded to your concerns appropriately on your SCDC 10-5, Step 1 Inmate Grievance Form.

Therefore, your grievance is denied.

You may appeal this decision under the Administrative Procedures Act to the Administrative Law Court. In order to appeal, you must fill out the attached Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt.

Signature

Date

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

Kenneth Rivera 9/14/17  
Grievant Signature Date

L. Holmes 9-14-17  
IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)



THE STATE OF SOUTH CAROLINA ) Court of Common Pleas  
County of McCormick ) Case NO.

Kenneth Rivera, #318979  
Plaintiff,

Affidavit For Supporting  
Exhibit Evidence

v.

South Carolina Department of  
Corrections,  
Defendants.

RICHLAND COUNTY  
FILED  
2018 JUL 23 AM 10:40  
JANETTE W. MCBRIDE  
C.C.P. & G.S.

I, Kenneth Rivera hereby duly swear by oath that the attached documents are authentic substantial. Judicial documents "Exhibits A-V" of the facts in this case. I do swear under the Penalty of Perjury that the above facts & attach documents are true and sworn to and by Me this day of July 16, 2018.

Kenneth Rivera  
Kenneth Rivera #318979  
MO #187  
4460 Broad River Road  
Columbia SC 29210

A

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
REQUEST TO STAFF MEMBER**

<b>TO: NAME:</b> Ms. Scarbrough	<b>TITLE:</b> Business Office	<b>DATE:</b> 10/3/15
<b>INMATE'S NAME:</b> Kenneth Rivera		<b>SCDC #:</b> 318974
<b>INSTITUTION:</b> Lieber		<b>LIVING QUARTERS:</b> R4U A# R4U A# 208 208
<p>Peace Queen,</p> <p>I am writing you this correspondence requesting for a Print-out of MY financial statement. How much money I owe the state since December 2006 until now? Is that possible for you to send me a copy of MY financial record? If not can you guide me to the right Personnel? I do look forward to receiving a response from you, Peace Queen!</p> <p align="right">OCT 05 2015</p> <p align="right">FWD TO COLUMBIA 10/5/15 -W. Scarbrough</p>		
<b>DISPOSITION BY STAFF MEMBER:</b>		
<b>DATE:</b>	<b>SIGNATURE:</b>	

B

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
REQUEST TO STAFF MEMBER**

<b>TO: NAME:</b> Ms. Scarborough	<b>TITLE:</b> Business Office	<b>DATE:</b> 10/15/15
<b>INMATE'S NAME:</b> Kenneth Rivera		<b>SCDC #:</b> 318979.
<b>INSTITUTION:</b> Lieber		<b>LIVING QUARTERS:</b> R40A# 208

Peace Queen,

I am writing you this correspondence regarding my Financial Record. I do understand that you've forward my request to Columbia. However, did you receive a response? If it's possible will you enlighten me on this situation? I wish you the pleasure of the day. And I look forward to hearing from you. Peace

**RECEIVED**

OCT 15 2015

**BUSINESS OFFICE**

**DISPOSITION BY STAFF MEMBER:**

SIR, I FORWARDED YOUR RTSM TO COLUMBIA BECAUSE BUSINESS OFFICE IS NOT ALLOWED TO PROVIDE PRINTOUTS AND ANYONE ASKING FOR A PRINTOUT MORE THAN PREVIOUS MONTH HAS TO GO TO COLUMBIA. YOU ASKED FOR COPY OF HOW MUCH YOU OWE (RESTITUTION) SINCE 2006. THE ONLY THING I CAN GIVE YOU IS A TOTAL OF HOW MUCH YOU CURRENTLY OWE. COLUMBIA HAS 45 DAYS TO RESPOND. THE RESPONSE WILL BE SENT BACK TO YOU, WOULD NOT COME BACK TO ME.

**DATE:**

10/15/15

**SIGNATURE:**

W. Scarborough

**OMS****Offender Management System****Inmate Request**

Today's Date: 2/23/16 10:56

Name: RIVERA, KENNETH DARRELL

Booking #: SCB0030306

Permanent #: SCP0030306

Reference #: 15-919884

Date Requested: 12/03/15 09:30

Request Type: Classification

Requested By: Kiosk

Request Details: PEACE I AM WRITING YOU REQUESTING TO SEE DO I HAVE MY CANTEEN, TELEPHONE, AND VISITATION PRIVILEGES. I LOOK FORWARD TO A RESPONSE FROM YOU THANKS.

Disposition: Complete

Officer:

Disposition Date: 02/11/16 14:40

**Request Responses**

Date	Author	Note
02/11/16 14:40	c019916	<P>The only privilege not reinstated is television.</P>

## Inmate Request

day's Date: 6/20/16 11:25

ame: RIVERA, KENNETH DARRELL  
ooking #: SCB0030306  
ermanent #: SCP0030306

D

reference #: 16-150142  
Date Requested: 05/25/16 10:13  
Request Type: EHSO  
Requested By: Kiosk

Request Details: PEACE IN RESPONSE TO YOUR CORRESPONDENCE WHY ARE WE ALLOWED A 50.00 PACKAGE SPENDING LIMIT... I AM A MI-3 AND HAVE ALL MY PRIVILEGES SO WHY AM I SUBJECT TO ONLY 50.00 WHEN LAST PACKAGE I ORDERED THE MAX... I LOOK FORWARD TO THIS CORRESPONDENCE THANK...

Disposition: Complete

Officer:

Disposition Date: 06/03/16 14:22

## Request Responses

Date	Author	Note
06/03/16 14:32	c010027	PLEASE ADDRESS YOUR ISSUES WITH THE APPROPRIATE PERSONNEL  ASSOC. WARDEN MURSIER, I'M SURE WOULD BE GLAD TO&nbsp;ANSWER ANY ADDITIONAL QUESTONS  LT. MELBA BUTLER

**OMS****Offender Management System****Inmate Request**

Today's Date: 6/20/16 11:23

Name: RIVERA, KENNETH DARRELL  
 Booking #: SCB0030306  
 Permanent #: SCP0030306

E

Reference #: 16-172036  
 Date Requested: 06/11/16 09:56  
 Request Type: Inmate Financial  
 Requested By: Kiosk

Request Details: peace i am writing regarding my account status. i owe the state money but why must all m money be taken with the exception of 6.43.

Disposition: Complete  
 Officer:  
 Disposition Date: 06/13/16 07:39

**Request Responses**

Date	Author	Note
06/13/16 07:40	c044397	you owe 10685.42 restitution.&nbsp;any funds received will be used to pay your restitution, down to 6.43

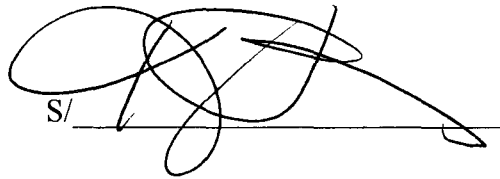
**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS**

F

RESPONSE TO INMATE CORRESPONDENCE

TO: Kenneth Rivera  
SCDC #: 318979  
INSTITUTION: McCormick Correctional Institution  
FROM: Katherine Klein  
DATE: June 13, 2016  
RE: Correspondence

This is in response to your correspondence regarding the Inmate Package Program. The new eligibility guidelines for inmates living in "Step Down Units" were established by the SCDC Executive Staff and is not a restriction from Access Securepak.

S/ 

cc: Leroy Cartledge, Warden  
Inmate Records  
File

OMS		Offender Management System
<b>Inmate Request</b>		
Today's Date: 8/8/16 14:49		
Name:	RIVERA, KENNETH DARRELL	
Booking #:	SCB0030306	
Permanent #:	SCP0030306	
Reference #:	16-226823	
Date Requested:	07/24/16 18:23	
Request Type:	EHSO	
Requested By:	Kiosk	
Request Details:	peace i am writing regarding the access securepak. why is f5 still on the 50 dollar spending limit.	
Disposition:	Complete	
Officer:		
Disposition Date:	08/01/16 09:42	
<b>Request Responses</b>		
Date	Author	Note
08/01/16 09:48	c010027	your spending limit is the same as if you were on the yard, that has been changed. It was approved as of June 14, 2016. per Mr. McCall



## SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

## INMATE GRIEVANCE FORM

## STEP 1

H

INMATE NAME: Kenneth RiveraSCDC NUMBER: 318979INSTITUTION: McCormickHOUSING UNIT: FS-A121WORK ASSIGNMENT: Kitchen WorkerGrievance No. MCCI0338-16Code: General IP115

Policy

Disc. Hear.

Class.

PREA

Date Received 8-9-16IGC Initials LHH

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

I, Kenneth Rivera #318979 is the grievant of this grievance. On the date of August 2, 2016 I did submit this complaint. Per Mr. McCall on June 14, 2016 FS Unit was allowed to order the \$200 limit from Access SecurePak. However, MY family is not allowed to go over \$50.00, I am not on any restrictions and I am a MI-3. So why am I limited to order \$50.00 from Access SecurePak?

ACTION REQUESTED:

To lift the \$50.00 limit on my spending from Access SecurePak.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

16-226823

Kenneth Rivera 8-2-16

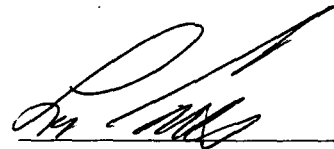
Grievant Signature

Date

(CONTINUE ON REVERSE SIDE)

**WARDEN'S DECISION AND REASON:**

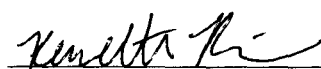
Your grievance has been reviewed. The \$50 limit for inmates in the Step Down Program at MCCI was originally removed however, Mr. McCall, Deputy Director of Operations, has since disapproved the removal of the \$50 limit. The \$50 limit for ordering packages from Access SecurePak will remain the same for all institutions with the Step Down Program. Your grievance is denied.

  
Warden Signature

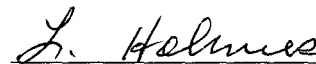
9-8-16  
Date

☐ I accept the Warden's decision and consider the matter closed.

☒ I do not accept the Warden's decision and wish to appeal.

  
Grievant Signature

9/12/16  
Date

  
IGC Signature

9-12-16  
Date

**INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM**

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing in the Grievance Box within five (5) days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) days of the hearing/review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, via placement in the Grievance Box.

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM  
STEP 2**

INMATE NAME: Kenneth RiveraSCDC NUMBER: 818979INSTITUTION: McCormickHOUSING UNIT: F5-A121WORK ASSIGNMENT: Kitchen**RECEIVED**

SEP 21 2016

**INMATE GRIEVANCE**

Office Use Only  
 Grievance No. MCCJ-0338-16  
 Code: General IP 115  
 Policy \_\_\_\_\_  
 Disc. Hear. \_\_\_\_\_  
 Class. \_\_\_\_\_  
 Date Received 9-15-16  
 IGC Initials LHH

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

*This is cruel and unusual punishment. We are being discriminated against with this \$50.00 spending limit. I'm not only any restrictions...*

Kenneth Rivera 9/14/16  
 Grievant Signature Date

**RESPONSIBLE OFFICIAL'S DECISION AND REASON:**

I have reviewed your grievance. You state that on June 14, 2016, per Mr. McCall the F5 Unit was allowed to order the \$200 limit from Access SecurePak. However, you state that your family was not allowed to order over \$50. You further state that your custody level MI3 and you do not have any restrictions. Mr. McCall, Deputy Director of Operations reviewed the request made on June 14, 2016, from the Division of Classification & Inmate Records to lift the \$50 spending limit for packages for the Intensive Management Step-Down Program located at McCormick Correctional Institution. The request was initially approved by Mr. McCall on June 14, 2016; however, that decision was later rescinded on July 5, 2016, as it was determined more information would be needed by the Division of Operations. The allegations you have raised that you are being discriminated against cannot be substantiated. This matter is still under consideration.

Therefore, I consider this matter closed.

You may appeal this decision under the Administrative Procedures Act to the Administrative Law Court. In order to appeal, you must fill out the attached Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt.

Benny McCall 10/4/16  
 Signature Date

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

Kenneth Rivera 10/14/16  
 Grievant Signature Date

L. Holmes 10-14-16  
 IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

MS

Offender Management System

## Inmate Request

Today's Date: 6/2/17 10:04

Name: RIVERA, KENNETH DARRELL  
 Booking #: SCB0030306  
 Permanent #: SCP0030306

Reference #: 17-562727  
 Date Requested: 05/17/17 11:54  
 Request Type: Inmate Financial  
 Requested By: Kiosk

Request Details: peace i am writing you requested for this year transactions regarding my canteen spending and when my account was debited. i also request the exact estimate i owe the state for court cost, medical cost etc. i look forward to a response from you thanks.

Disposition: Complete  
 Officer:  
 Disposition Date: 05/17/17 12:51

## Request Responses

Date	Author	Note
05/17/17 12:57	c044397	you owe approximately 7,350.00 US District Court, 3,940.00 Appellate Court and 1,838.49 other, to include postage, legal supplies, copies, medical co pay, rx co pay and major damaged property.&nbsp; I cannot see records&nbsp;before&nbsp;2011.

## SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

K

E.H. COOPER

ACCOUNT STATEMENT

DATE: 04/01/17 TO 04/30/17

ACCOUNT NO. 00318979

RIVERA, KENNETH DARRELL

CURR BAL AS OF 05/22/17: 3.73

TRANS. DATE	TRANS. TYPE	DEPOSIT	WITHDRAWAL	BALANCE
04/28/17	CANTEEN PURC	0.00	6.42	3.58
04/25/17	POSTAGE REST	0.00	0.39	10.00
04/25/17	SMALL DAMAGE	0.00	0.01	10.39
04/24/17	MONEY ORDER	6.42	0.00	10.40
04/18/17	CANTEEN PURC	0.00	6.02	3.98
04/18/17	SMALL DAMAGE	0.00	0.09	10.00
04/17/17	MONEY ORDER	6.42	0.00	10.09
04/12/17	CANTEEN PURC	0.00	6.33	3.67
04/11/17	POSTAGE REST	0.00	0.06	10.00
04/10/17	MONEY ORDER	6.43	0.00	10.06
04/06/17	CANTEEN PURC	0.00	6.37	3.63
04/04/17	POSTAGE REST	0.00	0.16	10.00
04/03/17	MONEY ORDER	6.42	0.00	10.16

## SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

E.H. COOPER

ACCOUNT STATEMENT

DATE: 05/01/17 TO 05/31/17

ACCOUNT NO. 00318979

RIVERA, KENNETH DARRELL

CURR BAL AS OF 06/01/17: 3.61

TRANS. DATE	TRANS. TYPE	DEPOSIT	WITHDRAWAL	BALANCE
05/31/17	RX COPAY	0.00	0.15	10.00
05/30/17	MONEY ORDER	6.42	0.00	10.15
05/16/17	CANTEEN PURC	0.00	6.27	3.73
05/11/17	COPIES	0.00	0.26	10.00
05/09/17	MONEY ORDER	6.42	0.00	10.26
05/03/17	CANTEEN PURC	0.00	6.16	3.84
05/01/17	MONEY ORDER	6.42	0.00	10.00

## SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

E.H. COOPER

ACCOUNT STATEMENT

DATE: 05/01/17 TO 05/31/17

ACCOUNT NO. 00318979

RIVERA, KENNETH DARRELL

CURR BAL AS OF 06/01/17: 3.61

TRANS. DATE	TRANS. TYPE	DEPOSIT	WITHDRAWAL	BALANCE
05/31/17	RX COPAY	0.00	0.15	10.00
05/30/17	MONEY ORDER	6.42	0.00	10.15
05/16/17	CANTEEN PURC	0.00	6.27	3.73
05/11/17	COPIES	0.00	0.26	10.00
05/09/17	MONEY ORDER	6.42	0.00	10.26
05/03/17	CANTEEN PURC	0.00	6.16	3.84
05/01/17	MONEY ORDER	6.42	0.00	10.00

## SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

## INMATE GRIEVANCE FORM

## STEP 1

N

INMATE NAME: <u>Kenneth Rivera</u>	OFFICE USE ONLY Grievance No. <u>MC10198-17</u>
SCDC NUMBER: <u>318979</u>	Code: General <u>INT</u>
INSTITUTION: <u>McCormick CI</u>	Policy <u>ADM-15.01</u>
HOUSING UNIT: <u>F3-A162</u>	Disc. Hear. _____
WORK ASSIGNMENT: <u>Kitchen</u>	Class. _____
	PREA _____
	Date Received <u>6-8-17</u>
	IGC Initials _____

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.)

I, Kenneth Rivera #318979 is the Grievant of this Grievance. On June 2, 2017 I did formulate this complaint. I submitted a RTSM via Kiosk to the SCDC Financial Department regarding "why money I received is being deducted entirely with the exception of \$6.43". Per Title 24 OF South Carolina Code of Law section 24-13-100, 10% only should be taken monthly and this includes medical co-payment, court costs, and filing fees. I do not owe D/A. All my money should not be taken only a Percentage. \$6.43 left on my account is not a Percentage.

Kenneth Rivera 6-2-17

Grievant Signature

Date

## ACTION REQUESTED:

I request that a 50%-50% be deducted from my account

ACTION TAKEN BY IGC: ☒ PROCESSED ☐ UNPROCESSED ☒ OTHER

See 17-578344

SEE REVERSE SIDE

R. Holmes 6-12-17

IGC Signature

Date

(CONTINUE ON REVERSE SIDE)



**WARDEN'S DECISION AND REASON:**

I have reviewed your grievance. The Statute that you cited and referenced has nothing to do with restitution. You may re-submit with the appropriate information. Your grievance is being returned to you.

*J. Holmes*

*6-12-17*

*N/A*  
 \_\_\_\_\_  
 Warden Signature Date

- ☒ I accept the Warden's decision and consider the matter closed.  
☒ I do not accept the Warden's decision and wish to appeal.

*N/A*  
 \_\_\_\_\_  
 Grievant Signature Date

*N/A*  
 \_\_\_\_\_  
 IGC Signature Date

**INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM**

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) working days of the hearing/review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

E.H. COOPER

ACCOUNT STATEMENT

DATE: 10/01/17 TO 10/31/17

ACCOUNT NO. 00318979

RIVERA, KENNETH DARRELL

CURR BAL AS OF 11/01/17: 3.57

TRANS. DATE	TRANS. TYPE	DEPOSIT	WITHDRAWAL	BALANCE
-------------	-------------	---------	------------	---------

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
Division of Inmate Services

AGREEMENT TO DEBIT E.H. COOPER ACCOUNT

Inmate's Name:	SCDC #:	Housing Unit:	Date:
Kenneth Rivera	318979	R4U B 78	1-29-18

GENERAL MATERIAL

\*\* Inmate must have the funds in his/her account to pay for the materials.

To be completed by  
SCDC staff:

Item	Amount
Envelope	
Pen	
Paper	
Postage	
Tape	
Box	
Electronic Repair	
Other	

Sub-Total:

Cost

LEGAL MATERIAL

\*\* Inmate is not required to have the funds in his/her account to pay for the materials; however, his/her account must be debited for all materials s/he elects to receive.

To be completed by  
SCDC staff:

Item	Amount
Envelope	10
Pen Flex	2
Paper	50
Postage 1(1.42) 5(.47)	6
Other Manila	2

-These Flex  
Pens barely  
Write!!!

1 Interdepartmental (General Counsel)

Sub-Total:

Cost
1.00
.52
1.50
3.72
.30

PHOTOCOPIES

\*\* Inmate may be required to have funds in his/her account. See SCDC Procedure GA-01.03(OP), "Inmate Access to the Courts," to determine if inmate may receive copies with/without funds.

To be completed by  
SCDC staff:

Item	Amount
Photocopies	

Cost
7.02

TOTAL

Kenneth Rivera

Inmate's Signature

J. Frank

Mailroom/Canteen Signature (Request filled by)

1-29-18

Date

White - Inmate

Canary - Mailroom/Canteen Employee

AGREEMENT TO DEBIT E.H. COOPER ACCOUNT

Inmate's Name:	SCDC #:	Housing Unit:	Date:
Kenneth Rivera	318979	RHU-B78	1-30-18

GENERAL MATERIAL

Inmate must have the funds in his/her account to pay for the materials.

To be completed by  
SCDC staff:

Item	Amount
Envelope	
Pen	
Paper	
Postage	
Tape	
Box	
Electronic Repair	
Other	

Cost

Sub-Total:

LEGAL MATERIAL

\*\* Inmate is not required to have the funds in his/her account to pay for the materials; however, his/her account must be debited for all materials s/he elects to receive.

To be completed by  
SCDC staff:

Item	Amount
Envelope (.10)	10
Pen Flex	1
Paper	<del>15</del> 20
* Postage 3(47)	<del>15</del> 6
Other	

Cost
.50
.50
.60
1.41

Sub-Total:

\* 1 is Interdepartmental  
2 being rejected (personal address + 1 to California)  
**PHOTOCOPIES**

\*\* Inmate may be required to have funds in his/her account. See SCDC Procedure GA-01.03(OP), "Inmate Access to the Courts," to determine if inmate may receive copies with/without funds.

To be completed by  
SCDC staff:

Item	Amount
Photocopies	

Cost
3.01

TOTAL

Kenneth Rivera  
Inmate's Signature

*[Signature]*  
Mailroom/Canteen Signature (Request filled by)

1-31-18

Date

White - Inmate

Canary - Mailroom/Canteen Employee

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
Division of Inmate Services

**AGREEMENT TO DEBIT E.H. COOPER ACCOUNT**

Inmate's Name:	SCDC #:	Housing Unit:	Date:
Kenneth Rivera	318979	RHV-678	2-2-18

**GENERAL MATERIAL**

\*\* Inmate must have the funds in his/her account to pay for the materials.

To be completed by  
SCDC staff:

Item	Amount
Envelope	
Pen	
Paper	
Postage	
Tape	
Box	
Electronic Repair	
Other	

Cost

Sub-Total:

**LEGAL MATERIAL**

\*\* Inmate is not required to have the funds in his/her account to pay for the materials; however, his/her account must be debited for all materials s/he elects to receive.

To be completed by  
SCDC staff:

Item	Amount
Envelope (-10)	10
Pen flex	1
Paper	10
Postage 4(.47)	<del>0.47</del>
Other	

Cost
1.00
.50
.30
1.88

Sub-Total:

1 being returned to I/m.

**PHOTOCOPIES**

\*\* Inmate may be required to have funds in his/her account. See SCDC Procedure GA-01.03(OP), "Inmate Access to the Courts," to determine if inmate may receive copies with/without funds.

To be completed by  
SCDC staff:

Item	Amount
Photocopies	

Cost
3.68

**TOTAL**

Kenneth Rivera  
Inmate's Signature

Mailroom/Canteen Signature (Request filed by)

2-2-18  
Date

White - Inmate

Canary - Mailroom/Canteen Employee

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
Division of Inmate Services

AGREEMENT TO DEBIT E.H. COOPER ACCOUNT

S

Inmate's Name:	SCDC #:	Housing Unit:	Date:
Kenneth Rivera	318979	RHU-B78	2-6-18

GENERAL MATERIAL

\*\* Inmate must have the funds in his/her account to pay for the materials.

To be completed by  
SCDC staff:

Item	Amount
Envelope	
Pen	
Paper	
Postage	
Tape	
Box	
Electronic Repair	
Other	

Cost

Sub-Total:

LEGAL MATERIAL

\*\* Inmate is not required to have the funds in his/her account to pay for the materials; however, his/her account must be debited for all materials s/he elects to receive.

To be completed by  
SCDC staff:

Item	Amount
Envelope	
Pen	
Paper	
Postage	3
Other	

Send  
me  
Some Blank  
Debit forms  
Thanks!

Cost
Ø

Sub-Total:

① SC ALC  
② SCDC General Counsel  
③ Appellate Defense

Free  
mail

PHOTOCOPIES

\*\* Inmate may be required to have funds in his/her account. See SCDC Procedure GA-01.03(OP), "Inmate Access to the Courts," to determine if inmate may receive copies with/without funds.

To be completed by  
SCDC staff:

Item	Amount
Photocopies	

Cost
Ø

TOTAL

Kenneth Rivera

Inmate's Signature

Mailroom/Canteen Signature (Request filled by)

2.6.18

Date

White - Inmate

Canary - Mailroom/Canteen Employee

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
Division of Inmate Services

**AGREEMENT TO DEBIT E.H. COOPER ACCOUNT**

T

Inmate's Name:	SCDC #:	Housing:	Date:
Kenneth Rivera	318979	2HU-B78	2-5-18

**GENERAL MATERIAL**

\*\* Inmate must have the funds in his/her account to pay for the materials.

To be completed by  
SCDC staff:

Item	Amount
Envelope	
Pen	
Paper	
Postage	
Tape	
Box	
Electronic Repair	
Other	

Cost

Sub-Total:

**LEGAL MATERIAL**

\*\* Inmate is not required to have the funds in his/her account to pay for the materials; however, his/her account must be debited for all materials s/he elects to receive.

To be completed by  
SCDC staff:

Item	Amount
Envelope (.10)	10
Pen (.50) flex	1
Paper	20
Postage 2(.47)	<del>6(.47)</del>
Other	

Cost
1.00
.50
60
.94

Sub-Total:

**PHOTOCOPIES**

\*\* Inmate may be required to have funds in his/her account. See SCDC Procedure GA-01.03(OP), "Inmate Access to the Courts," to determine if inmate may receive copies with/without funds.

To be completed by  
SCDC staff:

Item	Amount
Photocopies	

Cost

3.04  
**TOTAL**

Kenneth Rivera  
Inmate's Signature

*[Signature]*  
Mailroom/Canteen Signature (Request filled by)

2-6-18  
Date

White - Inmate  
Canary - Mailroom/Canteen Employee



ELECTRONICALLY FILED - 2018 Jul 24 10:55 AM - RICHLAND - COMMON PLEAS - CASE#2018CP4003839

THE STATE OF SOUTH CAROLINA } Court OF Common Pleas  
 County OF McCormick } Case NO.  
 Kenneth Rivera, #318979 } Motion And Affidavit TO  
 Plaintiff, } Proceed IN Forma Pauperis  
 v.  
 South Carolina Department OF }  
 Corrections, }  
 Defendants. }

**2018CP400** 3839

I, Kenneth Rivera being duly sworn, state that I am the Plaintiff and I do not have the funds available to pay the costs of filing and service in the present matter. The Plaintiff has constitutional claims and issues in this matter. I do not have any means to earn money and I receive no income. I am hereby swearing that I am an inmate housed within SCDC. I am indigent and asking to proceed as authorized Statute 24-27-100. See, Tahtinen v. Superior Court, Pinal County 130, Ariz, 1513, 637 P.2d 723 (1981).

July 16, 2018

Kenneth Rivera  
 Kenneth Rivera #318979  
 MD #187  
 4460 Broad River Road  
 Columbia, SC 29210

Leave ☐ (Granted) ☒ (Denied) to Proceed IN Forma Pauperis

Date: 7/23/18

s/ *ReHood*



# INMATE TRUST FUND ACCOUNT REPORT for SOUTH CAROLINA COURT FILING FEES

RECEIVED

FEB 14 2018

**INSTRUCTIONS TO INMATE:** Complete top portion then give to your mailer. If returned from Accounting, you must mail this form with any payment to the Court.

By signing my name below, I am asking the Financial Accounting Office of the South Carolina Department of Corrections to complete this report. In accordance with SC Code of Laws §24-27-100 and 150, I authorize payment of the full filing fee. If I have insufficient funds in my account at this time to pay the court's full filing fee, I authorize SCDC to deduct the initial and subsequent payments until payment is completed.

INMATE NAME (print): Kenneth D. Rivera

SCDC # 318979

INMATE SIGNATURE: Kenneth Rivera

I plan to file this action in the SC County of Richland county

This section below is for SCDC - Financial Accounting Branch's use ONLY.

- (1) Total deposits to inmate's account for preceding six months' period\* ..... \$ 0
- (2) Twenty percent (20%) of line 1 ..... \$ 0
- (3) Account balance - current date ..... \$ 0
- (4) **PAYMENT AMOUNT\*\***  
(Lesser of line 2 or line 3)  
Enclosed check # ..... \$ 0

**\*\*NOTE to COURT:** If payment is for partial fee, Court must notify SCDC once case is accepted and filed. Send notice with case # and balance owed to address below. SCDC will NOT process any additional payments until notification is received from Court.

South Carolina Department of Corrections  
Financial Accounting - Room 234  
PO Box 21737  
Columbia, SC 29221-1737

\* Admission date is noted here if inmate incarcerated less than six months

Leggy Cantor

Received by Financial Accounting Branch - SCDC

2/15/18

Date

File actual/forward 1/97

ELECTRONICALLY FILED - 2018 Jul 24 10:55 AM - RICHLAND - COMMON PLEAS - CASE#2018CP4003839

SCDC-FINANCIAL ACCT

2018 FEB 15 AM 11:57